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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LaTasha Watson,

Plaintiff

v.

City of Henderson; Bristol Ellington; Kevin  
Abernathy; Kenneth Kerby; Richard Derrick;  
Richard McCann; Nick Vaskov; Kristina  
Gilmore,

Defendants

Case No.: 2:20-cv-01761-CDS-BNW

**Stipulation to Withdraw and Deny as Moot  
City Attorney Defendants' Special Motion to  
Dismiss**

**[ECF No. 104]**

Plaintiff LaTasha Watson and defendants City of Henderson (“City”), Bristol Ellington (“Ellington”), Richard Derrick (“Derrick”), Nicholas Vaskov (“Vaskov”), and Kristina Escamilla Gilmore (“Gilmore”), (collectively, the “Parties”) stipulate that Vaskov and Gilmore will withdraw their anti-SLAPP motion to dismiss based on Watson’s voluntary dismissal of the individual City defendants, Ellington, Derrick, Vaskov, and Gilmore. The parties’ stipulation is based on the following:

1. On January 3, 2022, defendants Vaskov and Gilmore (collectively the “City Attorney Defendants”) moved to dismiss plaintiff LaTasha Watson’s intentional-infliction-of-emotional-distress claim against them under Nevada’s anti-SLAPP statute, NRS § 41.660.<sup>1</sup>

2. During discovery, the Parties discussed Watson dismissing her claims against Derrick, Ellington, Vaskov, and Gilmore (collectively, the “Individual City Defendants”).

3. On December 21, 2022, Watson filed a voluntary dismissal under Federal Rule of Civil Procedure 41 of all her claims against the Individual City Defendants.

4. Based on Watson’s voluntary dismissal of the Individual City Defendants from this case, Vaskov and Gilmore withdraw their special motion to dismiss, and related request for attorneys’ fees, as moot.

5. The Parties agree that Watson’s notice and dismissal of the Individual City Defendants, as well as the City Attorney Defendants’ withdrawal of their anti-SLAPP motion to dismiss shall not affect Watson’s motion for reconsideration,<sup>2</sup> Kevin Abernathy, Kenneth Kerby, and Richard McCann’s motion to dismiss under Rule 12(b)(6),<sup>3</sup> or the City’s motion to dismiss under Rule 12(b)(6), except for the arguments that apply only to the Individual City Defendants as follows:<sup>4</sup>

- **Section IV(A):** That Watson’s official-capacity claims against the individuals are redundant;
- **Section IV(B)(2):** That the Individual City Defendants are entitled to qualified-immunity protection.

6. The Parties agree that Watson’s voluntary dismissal and this withdrawal shall not impact or affect any other arguments set forth in the City Defendants’ motion to dismiss under Rule 12(b)(6).

<sup>1</sup> ECF No. 104 (special motion to dismiss).

<sup>2</sup> ECF No. 92 (motion for reconsideration).

<sup>3</sup> ECF No. 109 (Union Defendants’ motion to dismiss).

<sup>4</sup> ECF No. 110 (City Defendants’ motion to dismiss).

7. The Parties also agree that the City reserves the right to assert all defenses and that Watson still maintains the burden to establish liability for her claims against the City. Despite this reservation and agreement, the City agrees that it will not dispute that the Individual City Defendants were acting as employees of the City with regards to Watson's allegations in the amended complaint. This does not waive the City's right to dispute the veracity of any of those allegations.

8. The parties enter this stipulation in good faith.

DATED this 21st day of December 2022.

DATED this 21st day of December 2022.

COOK & KELESIS, LTD.

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/s/ Marc P. Cook

/s/ Christian P. Ogata

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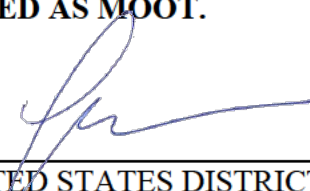
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### **ORDER**

Good cause appearing, **IT IS THEREFORE ORDERED** that the City Attorney Defendants' special motion to dismiss [ECF No. 104] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

  
UNITED STATES DISTRICT JUDGE

DATED: December 21, 2022

4884-9418-9635